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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,625	11/20/2001	Donald S. Jackson	8350.0534-00	8787

7590 06/04/2003

Finnegan, Henderson, Farabow,
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EXAMINER

BANNAPRADIST, LISA M

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,625

Applicant(s)

JACKSON, DONALD S.

Examiner

Lisa Bannapradist

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11, 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The declaration filed on March 6, 2003 under 37 CFR 1.131 is sufficient to overcome the Radcliffe reference. However, new grounds of rejection follow below in view of the newly discovered reference(s) to US 2,054,863 to Oliver and US 2,349,346 to Goepfrich. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 1, 3-9 and 11-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,290,235 to Albertson in view of U.S. 2,054,863 to Oliver.

In response to **claims 1 and 5-6**: Albertson discloses a seal for a hydraulic cylinder rod (26) comprising a main body (140 in Fig. 6) defining an opening and including an inner surface (against 26), outer surface (against 14), first radial face (150), second radial face (at 168), groove (164), inner lip (154), outer lip (156) and channel relief feature (172) as claimed. There is a plurality of relief features (180) and the main body is circularly shaped.

In response to **claims 7-9 and 13-16**: Albertson further discloses a housing (14) defining at least one chamber (22, 24) configured to hold a pressurized fluid and a cylinder rod (26) having a surface (28) disposed for sliding movement. A second seal (40) and third seal (142) are

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positioned as claimed wherein the second seal is a buffer seal and the third seal is a wiper seal. A first annular groove (202b), second annular groove (202a) and third annular groove (202c) are configured within the housing. There is a plurality of relief features (180) and the main body is circularly shaped.

Albertson clearly discloses applicant's invention including a channel (182 in Fig. 7), and second channel (184 in Fig. 7) but lacks the recess as claimed.

In response to **claims 3, 4, 11 and 12**: Oliver teaches a seal having a main body (44) and a channel (46) extending to a circularly shaped recess (48) for the purpose relieving pressure off of the main body during the retraction stroke of the piston (col. 1, line 21) by lending more flexibility to the main body of the seal. A ridge separates the recess (48) from a second radial face (end of 36). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Albertson's invention with circular recess as taught by Oliver in order to ensure the proper amount of pressure relief of the main body and allowing free flow of the fluid on the retraction stroke of the reciprocating piston.

Response to Arguments

4. Applicant's arguments, see amendment, filed March 6, 2003, with respect to the Radcliffe reference have been fully considered and are persuasive. The rejections based on the Radcliffe reference have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2,054,863 to Oliver. Oliver teaches a circular recess as claimed by applicant.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes US 2,349,346 to Goepfrich.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Bannapradist whose telephone number is 703-305-4806. The examiner can normally be reached on Mon-Thurs and every other Friday from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.


Anthony Knight
Supervisory Patent Examiner
Group 3600